



TIMBER RIDGE SCHOOL

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**Before the
Federal Communications Commission
Washington D.C. 20554**

In the Matter of:

Appeal of a Schools and Libraries)	
Division decision for Timber Ridge)	Application Numbers 360721, 360669 & 359647
Residential Treatment Center)	
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 02-6
)	
Changes to the Board of Directors)	
of the National Exchange Carrier)	
Association)	CC Docket No. 97-21

Timber Ridge Residential Treatment Center

Funding Year 2003: 07/01/2003-06/30/2004

Form 471 Application Numbers: 360721, 360669 & 359647

Funding Request Numbers: 972606, 972616, 972643, 972658, 972631, 976089, 976296, 976281, and 976274

Billed Entity Number: 24723

Timber Ridge Residential Treatment Center respectfully requests Federal Communications Commission (FCC) review and reversal of a decision of the Schools and Libraries Division (SLD) of the Universal Service Administrative Company.

Background

Timber Ridge submitted the above-captioned funding requests during the Year Six filing window for support under the Universal Service Mechanism (E-Rate). The Timber Ridge discount funding application included requests for local, long distance and cellular telephone service; and internal connections components and installation.

The services were procured after posting a Form 470 for the requisite minimum of 28 days before negotiating with and choosing a service provider. In this instance, Timber Ridge indicated a Request for Proposal was available for potential vendors to view by contacting the individual listed as contact person on the Form 470, as required by E-Rate policy.

During the subsequent 28 days, no service provider requested a copy of the RFP. Having no response from the posted Form 470, Timber Ridge negotiated with qualified vendors for E-Rate qualifying services.

Timber Ridge signed contracts and secured tariff, or month-to-month services to be delivered during the funding year – July 1, 2003 through June 30, 2004. Timber Ridge submitted the funding requests via three Forms 471 within the designated filing window for such funding.

After many months of discussions with several employees of the Schools and Libraries Division (Administrator), Timber Ridge received a Funding Commitment Letter dated June 30, 2003 denying all funding requests stating: “Your Form 470 indicated that you had an RFP describing the services that you sought on this funding request. However, since you failed to provide RFPs that were requested in order to review the bidding process, the funding is denied.”¹

Timber Ridge appealed this decision to the Administrator. In correspondence dated December 8, 2003, the Administrator denied the Timber Ridge appeal. Timber Ridge seeks review by the Federal Communications Commission.

Discussion

The reason supplied for denial was Timber Ridge’s failure to provide a formal Request for Proposal as required by USAC/SLD, to vendors for the bidding process. Please be advised that we did, in fact, have a completed Request for Proposal (see attached document). Furthermore, our RFP was successfully submitted to vendors and subsequent bids were generated.

We are appealing this denial on the grounds of general misinformation and inconsistent communications with Mr. John Caval, a newly hired USAC employee.

The issue of miscommunication between USAC and myself revolved around the term “FORMAL Request for Proposal.” In my discussions with Mr. Caval, I stated that I had a generic RFP list but not a FORMAL document. I indicated that my list was rather general and did not include each minute detail (i.e. it did not list the exact amount of time for installation, the exact number of screws/nuts and bolts, etc.). The difference between a FORMAL RFP and an informal RFP was never explained. I have since found out that there is NO such difference and that our RFP WAS sufficient for submission. I trust that due to the limited tenure and experience of Mr. Caval (as we understand it, he is no longer employed by SLD and was employed there for only a short time), he may not have understood the magnitude of this miscommunication. I was led to believe that all was

¹ Schools and Libraries Division Funding Commitment Letter Dated June 30, 2003.

fine and that he would submit our document for further review. Mr. Caval indicated that our request looked good and he could detect no problems with our application. Had he specifically said that he could not proceed without an RFP, we would have submitted our rudimentary RFP for review.

The notice of denial from the SLD acknowledged the following:

1. that we HAD an RFP as indicated in our application
2. that we WERE prepared to distribute that RFP to vendors
3. that competitive bidding could not be met...however, we in fact received two formal bids....
4. that we indicated that our RFP was not published....while true, this answer was offered by me in the context of my discussion with Mr. Caval...that we did not publish a FORMAL RFP only our informal one

The facts are as follows: we did have an RFP, we did obtain vendor bidding, we did state that we had an informal RFP and that our communications with an inexperienced USAC employee were unclear at best. In summary, we feel that this gross miscommunication resulted in the decision to deny our funding.

It should be noted that we are a 90% eligible program providing education and treatment to challenged youth in a not-for-profit facility. The denial of our ERATE request over such a semantic misinterpretation will be devastating for our small program. In fact, the entire purpose of the ERATE program is to provide students with access to the world of technology. It is in the public interest to award ERATE grants to better educate our students. It would be a shame to not afford that opportunity to our students because of a misunderstanding. I am hopeful that you will reconsider this determination and trust that you will reverse this decision. Rest assured of my inclusion of our “listed” RFP in all future requests.

Thank you in advance for any attention that you can afford this appeal request. Should you wish to contact me, please call my office at 1-540-888-3456 X 221 or by email via Thomas@TRSchool.org.

Respectfully,
Melvin D. Thomas, M.Ed.
Director, Administrative Services

Timber Ridge School

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REQUEST FOR PROPOSAL

Internet Services:

- One year contract for 1.5M T1 line
- Installation of router

Internal Connection:

Hardware

- Two 3Com Super Stack 3 Baseline Switch 24 Port

Services will include the installation of the servers including the electronic networking equipment (switches/concentrators) for those districts requiring this service.

- Compaq Proliant ML350 Xeon 2.20 GHz w/ 512 MB RAM, 3x 36GB Ultra3 HD, RAID 5 Array, 1 GB NIC, AIT 35 GB Tape, 3YR 9X5 Next Business Day Warranty

Power Protection

- APC Back-UPS 650
- APC Smart-UPS 1000 rack-mountable

One-year contract for maintenance of servers and switches

Operating systems:

- MS Win2000 Server and 10 Server Client Licenses
- MS Exchange 2000 Server and 5 Server Client Licenses

Network cable installation:

- Data and Phone wiring approximately 25 drops with Cat5E Cable
- 20 Face Plates
- 20 RJ45 Data Jacks
- 2 Cat5 patch panel 24 port
- 50 Pre-Molded Cat5 Patch Cables
- Moldings
- Cable testing

Wireless Network to connect two buildings, the distance between two buildings is approximately 500 feet

